

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TANNEH ANGELA GUEH,

Plaintiffs,

v.

PANDA EXPRESS, INC.

Defendants.

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No. _____

JURY DEMANDED

NOTICE OF REMOVAL

Without waiving any available defenses, including, without limitation, lack of personal jurisdiction, improper venue, statute of limitations, insufficient process, or insufficient service of process, Defendant Panda Express, Inc. (“Panda Express”), by and through undersigned counsel and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby files this Notice of Removal of the above-described action to the United States District Court for the Northern District of Georgia, Atlanta Division, from the Superior Court of Gwinnett County, Georgia where the action is now pending and states as follows:

1. The Plaintiff, Tanneh Angela Gueh (“Plaintiff”), commenced this action in the Superior Court of Gwinnett County, Georgia on March 27, 2023 and process was served on Panda Express on March 30, 2023. Therefore, removal is timely.

2. This is a civil action for damages arising out of alleged injuries sustained by an alleged foreign substance in food served by Panda Express on April 11, 2021.

3. The United States District Court for the Northern District of Georgia, Atlanta Division, has jurisdiction by reason of the diversity citizenship of the parties. 28 U.S.C. § 1332.

4. This is a suit between citizens of different states. Upon information and belief, Plaintiff is a citizen and resident of Georgia.

5. Panda Express is a California corporation with its principal place of business in California. Therefore, Panda Express is a citizen of California and not a citizen of Georgia.

6. Plaintiff is seeking a recovery of \$160,350.00. (Complaint). Thus, the matter in dispute exceeds \$75,000.00, exclusive of interest and costs.

7. A copy of all pleadings and Orders served upon Panda Express is filed with this Notice and attached hereto as **Exhibit A**.

8. Panda Express will give written notice of the filing of this Notice as required by 28 U.S.C. § 1446(d).

9. A copy of this Notice will be filed with the Clerk of the Superior Court of Gwinnett County, Georgia as required by 28 U.S.C. § 1446(d).

WHEREFORE, Panda Express requests that this action proceed in this Court

as an action properly removed to it pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

This 26th day of April, 2023.

Respectfully submitted,

CARR ALLISON

By: /s/ Sean W. Martin
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STEPHEN A. SWANSON, GA BAR #759751
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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), I hereby certify the foregoing document complies with the font and point selections permitted by Local Rule 5.1(B). This document was prepared on a computer using Times New Roman font in 14 point.

This 26th day of April, 2023.

By: /s/ Sean W. Martin
SEAN W. MARTIN, GA BAR #474125
STEPHEN A. SWANSON, GA BAR #759751

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2023, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Macklyn A. Smith, Sr.
PO Box 742
Lawrenceville, GA 30046-0742

CARR ALLISON

By: /s/ Sean W. Martin
SEAN W. MARTIN, GA BAR #474125
STEPHEN A. SWANSON, GA BAR #759751